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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROOSEVELT ANDERSON JR.,

Defendant.

No. CR 09-01015 EJD

STIPULATION AND ~~PROPOSED~~ ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

SAN JOSE VENUE

On April 25, 2011, the undersigned parties appeared before the Court to reschedule a trial in the above-captioned matter. The Court scheduled a pretrial conference for August 22, 2011, and a trial starting the week of September 12, 2011. In addition, the Court granted the parties request to exclude time under the Speedy Trial Act from April 25, 2011 through August 22, 2011. The parties agreed and stipulated that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel. Defense counsel Bruce Funk needs time to prepare for trial, including reviewing the results of a forensic examination of the defendant's computers that was recently provided to him.

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1 SO STIPULATED:

MELINDA HAAG
United States Attorney

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3 DATED: 4/27/11

/s/
SUSAN KNIGHT
Assistant United States Attorney

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5 DATED: 4/27/11

/s/
BRUCE C. FUNK
Counsel for Mr. Anderson

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9 **ORDER**

10 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded in
11 United States v. Anderson, CR 09-01015 EJD, under the Speedy Trial Act from April 25, 2011
12 through August 22, 2011. The Court finds, based on the aforementioned reasons, that the ends of
13 justice served by granting the requested continuance outweigh the best interest of the public and
14 the defendant in a speedy trial. The failure to grant the requested continuance would deny
15 defense counsel reasonable time necessary for effective preparation, taking into account the
16 exercise of due diligence, and would result in a miscarriage of justice. The Court therefore
17 concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and
18 (B)(iv).

19 SO ORDERED.

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21 DATED: April 29, 2011


EDWARD J. DAVILA
United States District Judge